

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER DANIEL BURGESS,

No. 2:03-cv-1196 GEB GGH P

Petitioner,

v.

ORDER

MARTIN BITER,

Respondent.

Petitioner, a state prisoner proceeding with counsel, filed his amended petition on July 22, 2013. On August 15, 2013, this court set a briefing schedule. A response was due to be filed by October 14, 2013. Respondent has not filed a response; however, on October 4, 2013, petitioner filed points and authorities in support of the amended petition, which were not called for by the scheduling order. Respondent filed a motion to reset the briefing schedule on October 25, 2013 which the undersigned has reviewed. Respondent is correct that after giving petitioner numerous extensions in this aged case to file an amended petition, petitioner piecemealed his filings which made it difficult for respondent to file a meaningful answer.

The amended petition now on file contains the claims in this case. No further amendment will be permitted absent *compelling* reasons.

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Accordingly, IT IS HEREBY ORDERED that:

1. Respondent's request to reset the briefing schedule in this case, (ECF No. 52), is granted in part;

2. Respondent shall file a response to the amended habeas petition within forty-five days of this order. No extensions of time will be given absent compelling reasons, due to non-compliance with the court's previous order. The remainder of August 15, 2013 order remains unchanged.

Dated: 10/29/2013

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

GGH:076/Burg1196.resp